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AUG 16 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PETITION UNDER 37 CFR §1.181 FOR WITHDRAWAL OF ~~OFFICE OF PETITIONS~~
FINALITY OF THE OFFICE ACTION AS PREMATURE

APPLICANT: Wyatt

EXAMINER: Ly

ATTY. DOCKET NO.: MCO-P-00-002

SERIAL NO.: 09/544,510

FILING DATE: April 6, 2000

GROUP ART UNIT: 2172

INVENTION: "A METHOD AND SYSTEM FOR CREATING A WEBSITE FOR A
HEALTHCARE PROVIDER"

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

This Petition is submitted in response to the Office Action dated May 7, 2004. In Office Action, the Patent Office rejected Claims 1-2, 5, 7, 15 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over *Moshfeghi et al.* (U.S. Patent No. 6,076,166) in view of *Vanderveldt et al.* (U.S. Patent No. 6,266,668) and further in view of *Lewis et al.* (published U.S. Patent Application Serial No.: US2001/0041992A1). Further, the Patent Office rejected Claims 3-4, 6, 8-14, 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Moshfeghi et al.* in view of *Vanderveldt et al.* and further in view of *Lewis et al.* and *Handel et al.* (U.S. Patent No. 6,195,651). *Lewis et al.* was not cited in the prior Office Action, dated January 8, 2004, and is a new ground of rejection that was not necessitated by the Amendment filed on April 12, 2004. According to MPEP

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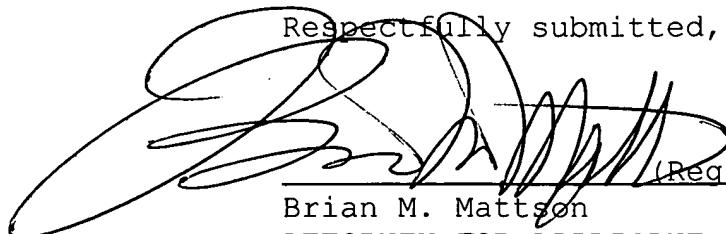
Section 706.07(a), a "second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by Applicant's amendment of the claims nor based on information submitted in an Information Disclosure Statement filed during the period set forth in 37 CFR §1.97(c) with the fee set forth in 37 CFR §1.17(p)." Therefore, Applicant submits this Petition for the Withdrawal of the Finality of the Office Action as premature.

Enclosed is a check in the amount of \$130.00 for this Petition. If any additional fees are due or owing, Applicant authorizes the Patent Office to charge or credit Deposit Account No. 50-0595. *A duplicate copy of this Petition is enclosed for this purpose.*

Additionally, Applicant requests a refund of the \$130.00 fee for this Petition. More specifically, Applicant respectfully submits that this Petition is being submitted as a result of an error by the Patent Office; therefore, Applicant is entitled to a refund of the fee.

If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved

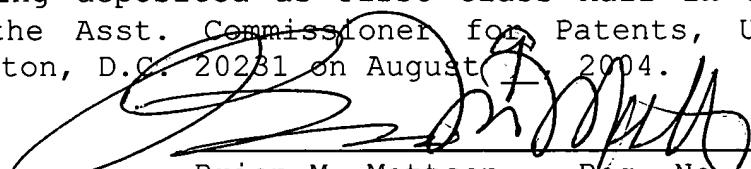
and the application expedited to issue.

Respectfully submitted,

(Reg. No. 35,018)

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CERTIFICATE OF MAILING

I hereby certify that this **Petition for the Withdrawal of the Finality of the Office Action** and **check in the amount of \$130.00** are being deposited as First Class Mail in an envelope addressed to the Asst. Commissioner for Patents, U.S. Patent Office, Washington, D.C. 20231 on August 12, 2004.


Brian M. Mattson Reg. No. 35,018